

U.S. COURT  
DISTRICT OF MASS.

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

2003 SEP 15 P 5:34

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

) MDL No. 1456

) Civil Action No. 01-CV-12257-PBS  
) FILED  
) CLERK'S OFFICE

THIS DOCUMENT RELATES TO:

*State of Nevada v. American Home Products  
Corp., et al.,*  
D. Nev. Cause No. CV-N-02-0202-ECR

) Judge Patti B. Saris

*State of Montana v. Abbott Labs., Inc., et al.,*  
D. Mont. Cause No. CV-02-09-H-DWM

**DEFENDANT-SPECIFIC MEMORANDA  
IN SUPPORT OF THE MOTIONS TO DISMISS**

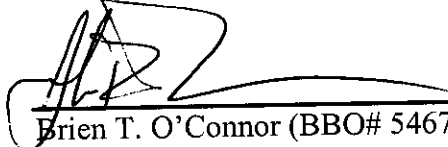
The following defendants submit the attached Defendant-Specific Memoranda in Support of the Motions to Dismiss: Abbott Laboratories, Inc.; Amgen, Inc.; AstraZeneca Pharmaceuticals LP; Aventis Pharmaceuticals; Baxter Healthcare Corporation and Baxter International Inc.; Bayer Corporation; Bedford Laboratories; Ben Venue Laboratories, Inc.; Boehringer Ingelheim Corporation; B. Braun of America, Inc.; Dey, Inc.; GlaxoSmithKline (SmithKline Beecham Corporation); Immunex Corporation; Novartis Pharmaceuticals Corporation; Pfizer Inc.; Pharmacia Corporation and Pharmacia & Upjohn, Inc.; Schering-Plough Corporation; TAP Pharmaceutical Products, Inc.; and Warrick Pharmaceuticals Corporation.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Counsel for defendants hereby certify that they have conferred with plaintiffs in a good faith attempt to narrow or resolve the issues presented by these memoranda.

**Schering-Plough Corporation  
Warrick Pharmaceuticals Corporation**

By their attorneys

  
\_\_\_\_\_

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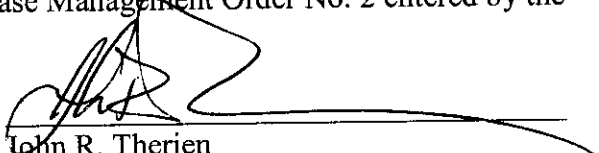
Boston, MA 02110

(617) 951-7000

Dated: September 15, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2003, I caused a true and correct copy of the Defendant-Specific Memoranda in Support of the Motions to Dismiss to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

  
\_\_\_\_\_

John R. Therien

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